

### **REMARKS/ARGUMENTS**

This paper is submitted in response to the non-final Office Action dated October 3, 2007. In the Office Action, the Examiner objected to the wording of the Abstract and claim 1 on grounds that these phrases stated the term "players body" rather than "player's body." The present paper has amended the application to address these issues. Further the claims have been amended to remove the "means plus function" language. Likewise, new claims 21-22 have also been added. Claims 5 and 7 have been canceled.

The Office Action also rejected claims 1-9 13, and 14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,565,840 to Thorner *et al.* (hereinafter "Thorner"). Claims 10-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thorner. Claims 15-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thorner in view of U.S. Patent No. 6,135,450 to Huang *et al.* (hereinafter "Huang"). These issues are addressed herein.

#### **I. § 102(b) Rejection of Claims 1-9 13, and 14**

The Examiner rejected claims 1-9 13, and 14 under 35 U.S.C. § 102(b) as being anticipated by Thorner. This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Id.* (*citing Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

In the present case, independent claim 1 has been amended to recite a "wearable electrode unit" and that "electrical pulses" are delivered to the player. This claim element differs from the Thorner reference which deals only with vibratory feedback device (haptile or tactile feedback). Further, to the extent that Thorner may teach the use of "electrodes," such electrodes are not used to deliver to the player electrical stimulation signals, as required by these claims.

Accordingly, as all of the claim elements of claim 1 are not found in Thorner, this reference does not anticipate the present claims. Withdrawal of this rejection is respectfully requested.

Pending claims 2-4, 6, 8-9, and 13-14 all depend, directly on indirectly from claim 1. Accordingly, these claims are allowable for the same reasons outlined above in connection with claim 1. Withdrawal of this rejection is respectfully requested.

## **II. § 103(a) Rejection of Claims 10-13**

The Examiner rejected claims 10-13 under 35 U.S.C. § 103(a) as being unpatentable over Thorner. This rejection is respectfully traversed.

In order to sustain a rejection under § 103(a), all claim elements must be taught or suggested by the prior art references. *See* MPEP § 2143. In the present case, claims 10-13 depend from claim 1. Accordingly, these claims recite a “wearable electrode unit” and that “electrical pulses” are delivered to the player via an electrode. As noted above, such concepts are not taught by Thorner. Accordingly, the rejection of these claims should be withdrawn.

## **III. § 103(a) Rejection of Claims 15-20**

The Examiner rejected claims 15-20 under 35 U.S.C. § 103(a) as being unpatentable over Thorner in view of Huang. This rejection is respectfully traversed.

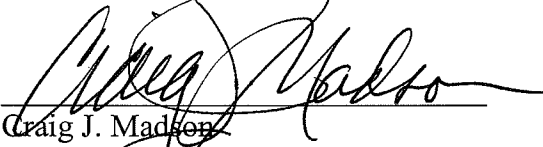
As explained above, a rejection under § 103(a) requires that all claim elements be taught or suggested by the prior art references. *See* MPEP § 2143. In the present case, claims 15-20 depend from claim 1. Accordingly, these claims recite a “wearable electrode unit” and that “electrical pulses” are delivered to the player via an electrode. As noted above, such concepts are not taught by Thorner. Huang also fails to teach such concepts. Accordingly, the rejection of these claims should be withdrawn.

## **IV. Conclusion**

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

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Respectfully submitted,

  
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